

Report Date: September 25, 2018

United States District Court

FILED IN THE U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

for the

Eastern District of Washington

SEP 26 2018

Petition for Warrant or Summons for Offender Under Supervision

SEAN F. MCAVOY, CLERK
DEPUTY
YAKIMA, WASHINGTON

Name of Offender: Austin K. Mesplie

Case Number: 0980 2:09CR02050-LRS-1

Address of Offender: [REDACTED] Wapato, WA 98951

Name of Sentencing Judicial Officer: The Honorable Lonny R. Suko, Senior U.S. District Judge

Date of Original Sentence: March 4, 2010

Original Offense: Crime on Indian Reservation, Assault With Intent to Commit Murder,
18 U.S.C. §§ 1153 and 113(a)(1)

Original Sentence: Prison - 74 months; Type of Supervision: Supervised Release
TSR - 36 months

Revocation Sentence (3/3/16): Prison - 4 months;
TSR - 32 months

Asst. U.S. Attorney: Ben Seal

Date Supervision Commenced: May 5, 2016

Defense Attorney: Alex B. Hernandez, III.

Date Supervision Expires: January 4, 2019

PETITIONING THE COURT

To incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on September 21, 2018.

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

3 **Special Condition #19:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six test per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: Mr. Mesplie is alleged to have violated special condition #19 by consuming alcohol on or about September 8, 2018.

Mr. Mesplie's conditions were reviewed with him on May 5, 2016. He signed and acknowledged his conditions, which include the special condition as noted above.

On September 24 2018, Mr. Mesplie called this officer on the phone and admitted to consuming alcohol on September 8, 2018, prior to his arrest by the Yakama Nation Police Department.

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Mandatory Condition: The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

Supporting Evidence: Mr. Mesplie is alleged to have violated his mandatory condition, by having one round of ammunition in his bedroom on September 24, 2018.

Mr. Mesplie's conditions were reviewed with him on May 5, 2016. He signed and acknowledged his conditions, which include the mandatory condition as noted above.

On September 24, 2018, the U.S. Probation Office conducted a pre-approved search of Mr. Mesplie's address, 3120 South Wapato Road, Wapato, Washington. During the search of his residence, U.S. Probation officers discovered a Kimber Model Micro Raptor, .380 caliber pistol loaded with 6 rounds in the magazine and nothing in the chamber. Mr. Mesplie's girlfriend, Irma Ramirez, informed U.S. Probation officers where the firearm was located and claimed the firearm was hers.

U.S. Probation officers also found one GLF .380 hollow point round on the window sill of Mr. Mesplie's bedroom. Ms. Ramirez was unaware there was a round on the window sill of the bedroom.

The U.S. Probation Office respectfully recommends the Court incorporate the violations contained in this petition in future proceedings with the violations previously reported to the Court on September 21, 2018. Mr. Mesplie is currently scheduled to appear for an initial appearance for supervised release violations on September 26, 2018, in Yakima, Washington.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 25, 2018

s/Phil Casey

Phil Casey

U.S. Probation Officer

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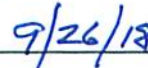
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THE COURT ORDERS

- ☐ No Action
- ☐ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☐ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer



Date